IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 186 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AJITSINH N VED

Versus

STATE OFGUJRAT

Appearance:

MR YOGESH S LAKHANI for Petitioner

MR ST METHA APP for Respondent No. 1

MR JB PARDIWALA for Respondent No. 2

MR DN NANAVATI for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/09/2000

ORAL JUDGEMENT

This revision application has been preferred against the judgment and order dated 27th March, 1995 made by the learned Addl. Sessions Judge, Morbi in

Criminal Revision Application No. 1 of 1995 with respect to disposal of the muddamal articles [cotton bales] pending trial, under Section 451 CrPC. The petitioner herein is the complainant who has claimed the ownership and the possession of the muddamal cotton bales which were purchased by the Ahmedabad New Cotton Mills, the respondent no.2 herein.

By order dated 5th January, 1995, the learned Judicial Magistrate, First Class, Morbi had in Criminal Inquiry No. 2 of 1994 directed that delivery of the possession of the muddamal cotton bales be handed over to the complainant on his giving surety in the sum of Rs. 10,000/= and a personal bond in the sum of Rs. 9,00,000/=. It was further directed that 50 grams of cotton be stored as a sample from each of the ninety cotton bales. Feeling aggrieved, the purchaser-Ahmedabad New Cotton Mills had preferred above referred Criminal Revision Application No. 1 of 1995 which was allowed on 27th March, 1995. The learned Addl. Sessions Judge directed that muddamal cotton bales in Morbi City M. Case No. 2 of 1994 be delivered to the purchaser Ahmedabad New Cotton Mills on its furnishing security in the sum of Rs. 50 lacs and a personal bond for the like amount. It was further directed that the muddamal cotton bales be returned whenever the Court demands to produce the same and that the muddamal cotton bales be maintained in the same condition. Feeling aggrieved, the complainant has preferred the present revision application.

I am informed that pending this revision, the purchaser Ahmedabad New Cotton Mills Company Limited has been ordered to be wound up and the respondent no. 3 Ashima Syntex Limited has taken over the said Company. In view of the interim relief granted by this Court, the muddamal cotton bales are lying in the police custody and are stored in the godowns of the complainant.

In above view of the matter, I consider it expedient that pending trial, the same arrangement should continue ie., the muddamal cotton bales shall remain in the custody of the police and may be stored in the godowns of the complainant. The revision application is disposed of in the above terms. Rule is discharged.

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Prakash*